

State Bar of New Mexico
Client Protection Fund

2015 | ANNUAL
REPORT

Submitted to the Supreme Court of New Mexico
and the State Bar of New Mexico Board of Bar Commissioners



STATE BAR
of NEW MEXICO
CLIENT PROTECTION FUND



STATE BAR
of **NEW MEXICO**
CLIENT PROTECTION FUND

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2015 COMMISSION December 31, 2015

Jason A. Marks
Chair

Travis R. Steele
Treasurer

Frank N. Chavez
Secretary

Much of the practice of law relies on the personal integrity of lawyers. This wouldn't be possible if lawyers, as a group, acted as we're often portrayed by late night TV comics. In reality, lawyers who steal from their clients are very rare—only a fraction of a percent. But when they do, it is something we need to collectively address. The purpose of the New Mexico Client Protection Fund is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers. My colleagues and I on the Client Protection Fund Commission take satisfaction in carrying out this function—making clients whole for monetary losses due to lawyer dishonesty while ensuring that awards are not made when the issue is simply dissatisfaction with the outcome of a case or the value of the legal services provided. New Mexico attorneys can take pride in being part of a profession that forthrightly deals with its bad actors.

COMMISSIONERS

Leigh Ann Chavez
Andrew J. Cloutier
Scotty A. Holloman
Matthew C. Sanchez
Robert Valdez
Charles J. Vigil

The Client Protection Fund Commission finished its 10th full year of operation in 2015 with \$90,518 in payments on 25 claims. Cumulatively, since 2006, CPF has paid out almost \$690,000, for the dishonest conduct of 51 New Mexico lawyers. Year-by-year and cumulative statistics appear at the end of this report.


EX OFFICIO MEMBERS

Joseph Conte
Richard B. Spinello

Our commissioners are actively engaged in investigating claims and carefully considering each claim issue and administrative matters of the Commission. Since 2014, the Disciplinary Board has assisted the Commission with the mechanical aspects of claim processing. As a result, operating expenses for the Commission have been kept to a minimum: less than \$14,000 for the year just completed. CPF ends 2015 with an adequate reserve and otherwise on firm financial and administrative footings. For 2016, the cap on compensable claims has been raised from \$20,000 to \$50,000, so that in the rare case of a large loss, clients can be more fully reimbursed.

In reflecting on the progress of the CPF through 2015, the Commission applauds Justice Richard C. Bosson, our Supreme Court liaison from 2006 through his 2015 retirement from the bench, for the energy and foresight he brought to the founding and operation of the Client Protection Fund Commission. We welcome our new liaison, Justice Edward L. Chávez. Also leaving the Commission in 2015 was Charles J. Vigil, our last serving founding commissioner, who made very significant contributions to the evolution of the New Mexico Fund.

Sincerely,



Jason Marks
2015 Chair

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Introduction



History and Purpose

The purpose of the Client Protection Fund is to promote public confidence in the administration of justice and the integrity of the legal profession by reimbursing losses caused by the dishonest conduct of lawyers admitted and licensed to practice law in the courts of this jurisdiction. The Client Protection Fund Commission was established by order of the New Mexico Supreme Court effective Dec. 13, 2005, as a permanent commission of the State Bar of New Mexico Board of Bar Commissioners. The Supreme Court adopted a modified version of the American Bar Association's model rules for client protection funds and codified them at Rules 17A-001 et seq. of the New Mexico Rules Annotated. The Commission oversees the CPF and is charged with receiving, holding, managing and disbursing money from the Fund according to the rules. The State Bar is responsible for administering the Commission, developing and approving the budget and managing operations and staffing. Since Jan. 1, 2014, the New Mexico Disciplinary Board has assisted in the technical administration of the Commission's tasks, including the processing of claims under the Commission's direction.



Revenues

The initial resources for the Fund were provided in 2005 by a Supreme Court order transferring funds from accumulated fines against lawyers who failed to comply with the Court's Minimum Continuing Legal Education requirements. In 2008 the Supreme Court ordered an additional transfer of funds from MCLE to the Fund. In 2009 the Supreme Court ordered a \$15 annual assessment of every active New Mexico attorney pursuant to Rule 17A-003 (B) NMRA. In 2010 and again in 2012 additional monies were also transferred from MCLE to the Fund by Supreme Court orders. The State Bar provides in-kind support to the Fund and the Commission through staff support, office and meeting space and fiscal administration. (See 2015 Financial Information, page 12). From time to time, the Fund receives monies from court-ordered sanctions directed to the fund at the discretion of the judge.



Eligible Claims

To qualify for a reimbursement from the Fund, a client must have incurred a financial loss caused by the dishonest conduct of a New Mexico-licensed lawyer who was counseling, advising or representing the client or serving in another fiduciary capacity such as a trustee. The claim must be filed no later than five years after the client knew or should have known of the lawyer's dishonest conduct. Dishonest conduct is specifically defined under the CPF rules as wrongful acts such as theft or embezzlement of money or the wrongful taking or conversion of money, property or other things of value (e.g., failing to refund unearned fees or borrowing money from a client without the intention to repay or disregarding the lawyer's inability or reasonably anticipated inability to repay). A typical CPF claim involves a lawyer who collected a retainer from a client, performed some legal work and then became unable or unwilling to finish the work or refund the unearned amount.

The rules also include a hardship exception which allows the Commission, in cases of extreme hardship or special and unusual circumstances, to recognize a claim that was filed late or would not otherwise be reimbursable. This exception has only been used for one of the 207 claims approved in the Commission's 10-year history. The maximum reimbursable amount was increased in 2012 from \$10,000 to \$20,000 per individual claim and from \$20,000 to \$50,000 effective Jan. 1, 2016.



Processing a Claim

The claimant must complete a prescribed claim form and have it notarized. The claimant must provide a copy of any written agreement pertaining to the claim and copies of any checks, money orders, receipts or other proof of payment. The claimant is responsible for completing the form and providing evidence of a reimbursable loss up to the maximum amount payable per claim.

CPF gives notice of a claim to the lawyer against whom it is filed (or the lawyer's representative) and allows 20 days for a response. The Disciplinary Board is also notified of the claim. After the lawyer's response and other initial facts and documents are gathered, the claim is assigned to one of the CPF commissioners for investigation. The commissioner investigates and presents a recommendation to the full Commission. If appropriate under the circumstances, the recommendation includes the investigating commissioner's estimate of any amount that should be allowed as a credit against the claim for the value of work the lawyer performed or costs the lawyer properly paid with client funds.

The claimant and the lawyer are notified of the Commission's decision. Either party may request reconsideration in writing within 30 days of the denial or determination of the amount of a claim. If no request for reconsideration is received, the check for any approved reimbursement is sent after the notice period expires. If a timely request is received, the check for any approved reimbursement is sent after the Commission has reconsidered its decision. Rule 17A-013 NMRA provides that in either case the Commission's decision is final and there is no further right of appeal. Reimbursement is discretionary and no person has a legal right to reimbursement from the Fund. As part of the claim form, the claimant agrees to assign his/her claims against the lawyer to the fund in the event that the CPF makes a payment and the CPF may pursue reimbursement and recovery from the lawyer or the lawyer's successor (e.g., an estate).

2015 Annual Report Highlights and Commission Activities

The Client Protection Fund Commission finished its 10th full year of operation in 2015 paying \$90,518 in claims against 11 lawyers. This was slightly more than the average for the previous five years (\$77,516). To date, the Commission has paid almost \$690,000 in cumulative reimbursements for clients' financial losses involving 51 lawyers. Year-by-year and cumulative statistics appear later in this report.

The Commission met five times in 2015. Several Commission members attended the 31st ABA National Forum on Client Protection at the end of May 2015 in Denver, Colo.

The Commission bid farewell at the end of 2015 to its New Mexico Supreme Court Liaison the Honorable Richard C. Bosson and one of its founding commissioners Charles J. Vigil. Both demonstrated an unfailing commitment and dedication to the Commission's work and both will be greatly missed. The Commission also thanks Scotty Holloman for his service during his one year term in his capacity as State Bar Vice President. The Commission welcomes its new Supreme Court liaison, the Honorable Edward L. Chávez and 2016 State Bar Vice President Dustin K. Hunter.

Effective Jan. 1, 2016, the Supreme Court of New Mexico approved an increase in the limit that the Commission can pay to a claimant from \$20,000 to \$50,000 per claim. The Commission's new limit strikes an appropriate balance that allows CPF to more fully reimburse eligible claimants having larger claims, while not exposing CPF to an unmanageable risk that resources could become too depleted to pay future claims. Additionally, the Court approved a rule change recommended by the Commission that adopts language from the ABA's model rules for client protection funds stating criteria to be considered when deciding claims against lawyers practicing in more than one jurisdiction or otherwise raising multi-jurisdictional issues.

The latter change is, in part, a response to a spate of claims arising in the area of immigration law where, due to federal rules, a lawyer may solicit clients and provide services in states where the lawyer is not licensed. For example, the Commission has paid a number of claims to Arizona clients of an immigration attorney whose only licensure was from New Mexico. (After her misconduct became known, this attorney was suspended in New Mexico, terminating her ability to engage in federal immigration practice.) Another motivating factor for adoption of criteria for multi-jurisdictional claims is New Mexico's recent adoption of reciprocal admission rules.

The Commission reminds everyone that Rule 17A-018(A) protects the confidentiality of information on claims, claimants and respondent lawyers with exceptions for approved claims and other limited purposes as set forth below:

- A. Publicizing awarded claims. Claims, proceedings and reports involving claims for reimbursement are confidential until the commission authorizes reimbursement to the claimant, except as provided below, unless provided otherwise by law. After payment of the reimbursement, the commission shall publicize the nature of the claim, the amount of reimbursement, and the name of the lawyer. The name and the address of the claimant shall not be publicized by the commission unless specific permission has been granted by the claimant. The commission may provide a waiver to the claimant which authorizes disclosure.
- B. Exceptions. This rule shall not be construed to deny access to relevant information by the Disciplinary Board, other professional discipline agencies or other law enforcement authorities as the commission shall authorize, or the release of statistical information that does not disclose the identity of the lawyer or the parties, or the use of such information as is necessary to pursue the fund's subrogation rights under Rule 17A-015 NMRA.

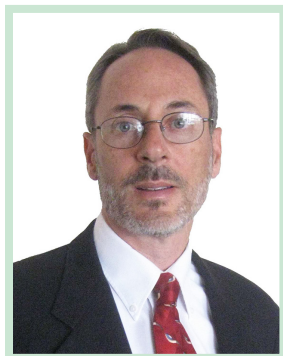
Visit the State Bar website at

www.nmbar.org

and click for *Public, I Have a Dispute with My Lawyer, Client Protection Fund* for further information on the Client Protection Fund.

2015 Client Protection Fund Commission

From its inception in 2006 through 2012, the Client Protection Fund Commission consisted of seven lawyers—four appointed by the Supreme Court, two appointed by the Board of Bar Commissioners and the vice president of the BBC. In 2013, the number of Commissioners was increased to nine. The 2015 commissioners and officers are listed below. All members except the BBC vice president serve staggered three-year terms. The BBC vice president serves for one year before advancing to become the State Bar president-elect and is succeeded on the Commission by the incoming vice-president. The six original commissioners were appointed for part of 2006 after the Commission was created and for staggered terms of one, two and three years that began in 2007. The CPF officers, elected annually by the Commission, consist of a chair, treasurer and secretary. Program assistance and administrative support is provided by the State Bar Office of General Counsel and the New Mexico Disciplinary Board.



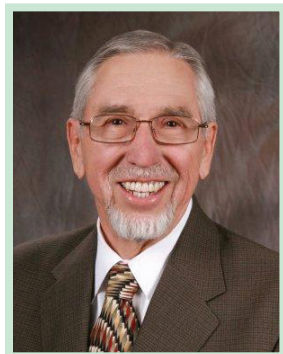
Jason A. Marks, Chair
Supreme Court Appointee

Jason Marks was appointed by the Supreme Court to a three-year term in one of the new positions approved effective for 2013. Marks is a sole practitioner in Albuquerque. His practice includes civil litigation, business advisory services, representation of public entities and utility law. Marks was elected and served two terms as a New Mexico Public Regulation Commissioner representing the Albuquerque area in 2005–2012. Prior to becoming an attorney, Marks led a national consulting practice in healthcare finance extending to 20 states and the federal government. Marks served as Commission vice-chair in 2014. He was reappointed to the Commission for a term ending Dec. 31, 2018.



Travis R. Steele, Treasurer
State Bar of New Mexico Appointee

Travis Steele was appointed by the BBC to one of the new positions approved by the Supreme Court effective Jan. 1, 2013. Steele practices primarily in the areas of commercial litigation, Indian gaming, oil and gas and real estate litigation. He has conducted numerous hearings and trials in New Mexico state, federal and tribal courts. Steele regularly prosecutes and defends commercial lawsuits on behalf of his corporate clients, including contract disputes, lien issues, copyright claims, allegations of unfair business practices and any other issue that surfaces when business dealings fall apart. Steele regularly advises clients on licensure, regulatory and litigation matters related to Indian gaming and has substantial experience in sovereign immunity and tribal exhaustion cases. In addition, Steele has experience responding to federal investigations, including False Claims Act investigations by the Office of the Inspector General. Steele regularly represents construction and real estate clients in breach of contract matters, lien disputes and construction defect litigation. In his creditors' rights practice, Steele represents several financial institutions in the recovery of secured collateral, garnishments and loan default matters. In addition, he represents clients in commercial foreclosure cases and has represented landlords and tenants in commercial and residential lease disputes. Steele served as Commission treasurer in 2014. His current term ends Dec. 31, 2018.



Frank N. Chavez, Secretary
State Bar of New Mexico Appointee

Frank N. Chavez was appointed by the Board of Bar Commissioners to succeed founding Commissioner Hank Kelly when his last full term expired in December 2012. Chavez' current term expires Dec. 31, 2018. In November 2013 he was also elected to represent the Las Cruces area on the BBC. Chavez attended New Mexico State University, the University of Washington and New Mexico Tech, obtaining his undergraduate degree in both biology and chemistry. He served his country in the U.S. Army Reserve from 1964–1970 as an enlisted man and as an officer. Before law school he worked for the New Mexico Department of Health as an environmentalist. Chavez graduated from UNM School of Law in 1969. He worked for the Attorney General's Office for three years and was the Las Cruces city attorney for nine years. He was the president of Reeves,

Chavez, Albers and Walker PA, the largest law firm in Las Cruces, for more than 20 years. He was also a managing partner in the Rosner and Chavez LLC law firm in Las Cruces. He has been an AV rated attorney since 1995. He was on the Board of Bar Examiners for six years. Chavez has also worked as a neutral arbitrator with the National Arbitration Forum. He presently serves on the Code of Professional Conduct Board, the Code of Judicial Conduct Board and the Client Protection Board. He also conducts fee arbitrations for the State Bar. In his spare time Chavez is a long distance bicycle rider with numerous cross country trips to his credit. He is married to Mary Rosner, a District Court Judge in Las Cruces.



Charles J. Vigil
Supreme Court Appointee

Charles Vigil is the president and managing director of Rodey, Dickason, Sloan, Akin & Robb PA in Albuquerque, where he practices in the areas of labor and employment, products liability, commercial litigation and professional liability. He is a past president of the State Bar of New Mexico and has been actively involved in the area of client protection on both the state and national levels. Vigil has served as a member of the New Mexico Client Protection Fund Commission since its inception in 2006 and in 2008 was appointed to serve on the ABA Standing Committee on Client Protection. In 2010, Vigil and Justice Richard C. Bosson, the Supreme Court liaison to the Client Protection Fund Commission, were named co-recipients of the National Client Protection Organization's Annual Isaac Hecht Law Client Protection Award. Vigil was chair of the Commission in 2006, 2010 and 2014. He was most recently reappointed by the Supreme Court in January 2013. His term ended Dec. 31, 2015.



Scotty Holloman
Supreme Court Appointee

Scotty A. Holloman is a shareholder, director and president of Maddox, Holloman & Moran PC in Hobbs. He attended Texas Tech University (B.B.A., Accounting, 1980) and Texas Tech University School of Law (J.D., 1983). Holloman was admitted to practice law in Texas in 1983 and in New Mexico in 1984. He is a member of the State Bar Real Property, Trust and Estate Section and the Business Law Section. He served as president of the Lea County Bar Association. From 2009-2012 he served as the out-of-state liaison to the State Bar of Texas Board of Directors. Holloman and his wife, Terry, have three children: Aaron, an attorney in Roswell, and wife Kelli; Emily; Jacob and wife, Lacey, an attorney in Midland, Texas; and two grandchildren Simon and Owen of Roswell. Holloman also represents the Sixth Bar Commissioner District.



Leigh Anne Chavez
Supreme Court Appointee

Leigh Anne Chavez grew up in Las Vegas, Nevada, and received her B.A. in English from UNLV. She received her J.D. from UCLA and taught paralegals at CNM for 24 years. She also has an A.A.S. in Accounting and is working on her Master's Degree in Accounting at Anderson School of Management at UNM. Leigh Anne is the Recycled Metals Prosecutor for the New Mexico Regulation and Licensing Department.



Matthew Sanchez
Supreme Court Appointee

Matthew C. Sanchez, an Albuquerque native, currently serves as general counsel to the Jaynes Companies, a collection of construction companies headquartered in Albuquerque. Before joining Jaynes, Sanchez was a senior associate attorney with the Sheehan & Sheehan law firm where he represented not only Jaynes, but other clients such as the New Mexico Department of Transportation, the Public Schools Facilities Authority, contractors, suppliers, counties, municipalities and various school districts. Sanchez's private practice centers on construction, employment, and commercial law. Sanchez obtained both his masters and law degrees at the University of New Mexico and completed his undergraduate studies at Santa Clara University in California. In early 2016, he was recognized as a fellow of the American Bar Association Forum on Construction Law.



Robert Valdez
Supreme Court Appointee

Robert E. Valdez, a trial lawyer practicing both in New Mexico and Texas, focuses on the defense of catastrophic losses in personal injury and commercial cases. Over the course of his 35 years as an attorney, he has dedicated himself to service to the state bars of both New Mexico and Texas. He currently serves on New Mexico's Ethics Advisory Commission and the District Disciplinary Committee for the U.S. District Court for the Western District of Texas. He has served as the chair of the Texas Board of Law Examiners as well as the Texas Board of Legal Specialization.



Andrew J. (Drew) Cloutier
Supreme Court Appointee

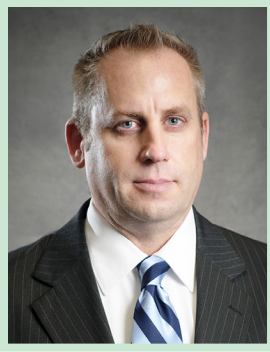
Drew Cloutier was appointed to the Commission by the Supreme Court of New Mexico effective Jan. 1, 2015. Cloutier previously served in the Commission *ex officio* as an officer of the State Bar of New Mexico in 2010 and 2011. He is partner in the Roswell office of Hinkle Shanor LLP. He practices primarily in the areas of oil and gas law and commercial litigation. Cloutier has litigated and tried a number of oil and gas issues in state and federal courts. He also assists oil and gas clients with a wide variety of issues with state and federal agencies. Cloutier served on the Board of Bar Commissioners from 2006 through 2014 and as its president in 2013. He has volunteered for the Conquistador Council of the Boy Scouts of America for many years and is serving as president of the Council's Executive Board. Cloutier is a trustee of the Rocky Mountain Mineral Law Foundation. He was named "Member of the Year" by the Independent Petroleum Association of New Mexico.

EX OFFICIO MEMBERS



Joseph Conte
Appointed by Position
Executive Director, State Bar of New Mexico

Joe Conte became the executive director of the State Bar of New Mexico and the New Mexico State Bar Foundation in July 2003. He was director of communications for the State Bar from 1998–2001 and then was director of communications for the State Bar of Georgia, returning to New Mexico in 2001. Conte has more than two decades of experience in marketing, communications and non-profit management. He was deputy director of communications for the Michigan House of Representatives and senior editor for a California-based publishing company. He attended Oakland University (bachelor's degree) and Michigan State University (master's degree). He is a member of the National Association of Bar Executives, the Association of Legal Administrators, and the New Mexico Society of Association Executives. He has been an active volunteer for the Center for Civic Values and Dismas House, where he received the honor of "2006 Chef of the Year." Conte also volunteers for the American Lung Association of New Mexico and New Mexico Animal Friends. He is a past board member of the Appleseed Foundation of New Mexico and the New Mexico Bio Park Society.



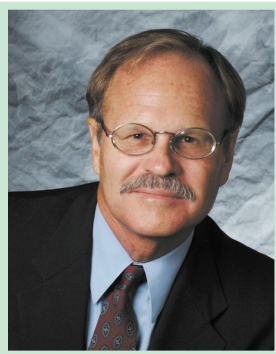
Richard B. Spinello

Administrator and Staff Counsel

General Counsel, State Bar of New Mexico

Richard Spinello attended the University of New Mexico (B.A., 1989) and the Thomas M. Cooley Law School (J.D., 1997). Previously in private practice in Rio Rancho, Spinello assisted clients with family law, estate planning, probate and adult guardianships. He came to the State Bar in 2000 as a staff attorney for the Lawyer Referral for the Elderly Program. After three years as staff attorney and a year as managing attorney for LREP, Spinello was named director of the Public and Legal Services Department for the State Bar and Bar Foundation where he helped secure funding for and participated in the creation of the Client Protection Fund rules and CPF Commission, the statewide 10 Step Pro Bono Plan, and the 2007 State Plan for Providing Civil Legal Services to Low Income New Mexicans. In January 2007, Spinello was named general counsel for the State Bar and is currently overseeing a professional office to assist the State Bar and Bar Foundation with policy and regulatory functions of an integrated bar.

2015 COMMISSION LIAISONS



Justice Richard C. Bosson

Supreme Court Liaison

Justice Richard C. Bosson became a member of the New Mexico Supreme Court in December 2002 and served as chief justice from 2005–2006. He served as judge on the New Mexico Court of Appeals starting in 1994, including two years as chief judge (2001–2002). Justice Bosson attended Wesleyan University (B.A., 1966), Georgetown University Law Center (J.D., 1969) and the University of Virginia School of Law (Master's Degree, Judicial Process, 1998). He has been an active member of the State Bar of New Mexico since 1970. He was a member of the Legal Aid Society of Albuquerque and a founding member of the Mexican American Legal Defense and Education Fund in Albuquerque from 1970–1974. In 1975 he spent a year in Colombia as a recipient of a Latin American teaching fellowship sponsored by the Fletcher School of Law and Diplomacy associated with the Universidad de los Andes in Bogota. Justice Bosson was with the New Mexico Attorney General's Office in the Consumer Protection Division and as director of the Civil Division from 1976–78. Justice Bosson was in private practice in Santa Fe from 1981–1994 including terms as New Mexico Commissioner of Banking and State Bond Counsel. In 2010 Justice Bosson and Commissioner Charles Vigil were named co-recipients of the National Client Protection Organization's annual Isaac Hecht Law Client Protection Award.

Anne Taylor

Disciplinary Board Liaison

Anne Taylor attended the University of New Mexico (B.A., Spanish, Phi Beta Kappa, *cum laude*, 1994) and Vanderbilt University School of Law (J.D., 2000). She has been with the Office of Disciplinary Counsel since January 2002 and is involved in all levels of attorney discipline, including investigating and prosecuting complaints against attorneys, investigating petitions for reinstatement to the practice of law, monitoring attorneys on probation and filing petitions for reciprocal discipline. She is a member of the National Organization of Bar Counsel and has taught numerous continuing legal education programs in legal ethics, particularly in the areas of lawyer fees and trust accounting. She began working closely with the State Bar of New Mexico's Client-Attorney Assistance Program in 2002 and was designated as the Office of Disciplinary Counsel liaison to the Client Protection Fund and Commission in 2008. She also works closely with the New Mexico Lawyers and Judges Assistance Program and assisted the New Mexico Supreme Court's Code of Professional Conduct Committee in developing proposed revisions to the Rules of Professional Conduct. A mother of four, Taylor volunteers in fundraising efforts for Escuela del Sol Montessori and Albuquerque Academy.

2015 Commission and Liaisons

2015 Client Protection Fund Commissioners

Chair Jason Marks	Appointed Jan. 1, 2013, 3-year term expires Dec. 31, 2015*
Treasurer Travis Steele	Appointed Jan. 1, 2013, 3-year term expires Dec. 31, 2015*
Secretary Frank Chavez	Appointed Jan. 1, 2013, 3-year term expires Dec. 31, 2015*
Leigh Anne Chavez	Appointed Jan. 1, 2015, 3-year term expires Dec. 31, 2017
Andrew Cloutier	Appointed Jan. 1, 2015, 3-year term expires 12/31/2017
Scotty Holloman	Appointed Jan. 1, 2015, 1-year term expires Dec. 31, 2015
Matthew Sanchez	Appointed Jan. 1, 2015, 3-year term expires Dec. 31, 2017
Robert Valdez	Appointed Jan. 1, 2014, 3-year term expires Dec. 31, 2016
Charles J. Vigil	Reappointed Jan. 1, 2013, 3-year term expires Dec. 31, 2015
Joseph Conte	Ex officio, non-voting, Executive Director, State Bar of New Mexico
Richard Spinello	Ex officio, non-voting, Administrator and Staff Counsel General Counsel, State Bar of New Mexico

**Reappointed to three year terms beginning January 1, 2016.*

2015 Client Protection Fund Liaisons

The Hon. Richard C. Bosson	New Mexico Supreme Court Liaison
Anne Taylor	Disciplinary Board Liaison

Former Commissioners and Administrators

Briggs Cheney	Appointed 2006 (founding commissioner) Reappointed 2008–2010, 2011–2014
Stuart Shanor	Appointed 2006 (founding commissioner) Reappointed 2008–2010, 2011–2014
Henry A. (Hank) Kelly	Appointed 2006 (founding commissioner) Reappointed 2007–2009, 2010–2012
Gaëlle D. McConnell	Appointed 2006 (founding commissioner) Reappointed 2008–2010, 2011–2013
Daniel J. O'Brien	Appointed 2006 (founding commissioner) Reappointed 2008–2010, 2011–2013
J. Brent Moore (BBC Vice President)	1-year term expired Dec. 31, 2014
Martha Chicoski (BBC Vice President)	1 year term expired Dec. 31, 2013
Erika Anderson (BBC Vice President)	1 year term expired Dec. 31, 2012
Andrew J. Cloutier (BBC Vice President)	1-year term expired Dec. 31, 2011
Andrew J. Cloutier (BBC Treasurer)	1-year term expired Dec. 31, 2010
Hans Voss (BBC Treasurer)	1-year term expired Dec. 31, 2009
Jessica Pérez (BBC Treasurer)	1-year term expired Dec. 31, 2008
Stephen S. Shanor (BBC Treasurer)	1-year term expired Dec. 31, 2007
Henry A. Alaniz (BBC Treasurer)	1-year term expired Dec. 31, 2006
Charles D. Noland (Staff Administrator)	Ex officio 2011–2013
Christine Joseph (Staff Administrator)	Ex officio 2009–2010
Richard Spinello (Staff Administrator)	Ex officio 2007–2008
Tonya Herring (Staff Administrator)	Ex officio 2006–2007

2015 Financial Information

Balance Sheet (Pre-Audit) As of Dec. 31, 2015

Assets	
Cash and Equivalents	\$551,207.20
Due from State Bar	\$ 19,726.32
Total Assets	\$570,933.52
Liabilities and Net Assets	
Liabilities	
Deferred Revenues	\$ 27,075.00
Total Liabilities	\$ 27,075.00
Net Assets	
Fund Balance	\$513,847.05
Restricted Funds— Lawyer Succession and Transition Committee	\$ 9,287.82
Reserve for Open Claims	\$ 32,127.68
Current Year Increase in Net Assets	(\$11,404.03)
Total Net Assets	\$543,858.52
Total Liabilities and Net Assets	\$570,933.52

**Statement of Revenues and Expenditures (Pre-Audit)
For Year Ending Dec. 31, 2015**

	Actual	2015 Budget	Variance REV. (-) EXP. (+)
Revenue			
CPF Assessments	\$102,756.00	\$102,000.00	\$ 756.00
CPF Assessments (PHV)	\$ 6,780.00	\$ 6,500.00	\$ 280.00
Interest Earned	\$ 917.50	\$ 800.00	\$ 117.50
Restitution	\$ 13,300.00	\$ 2,500.00	\$ 10,800.00
Total Revenue	\$123,753.50	\$112,500.00	\$ 11,953.50
Expenditures			
Audit	\$ 1,200.00	\$ 1,200.00	0.00
Labor Expense	\$ 2,091.29	\$ 8,000.00	(\$ 5,908.71)
Dues and Subscriptions	\$ 200.00	\$ 200.00	0
Insurance Allocation	\$ 332.30	\$ 750.00	(\$ 417.70)
Postage Expense Allocation	\$ 13.83	\$ 300.00	(\$ 286.17)
Professional Development	\$ 7,626.36	\$ 9,000.00	(\$ 1,373.64)
Marketing and Advertising	\$ 370.50	\$ 1,000.00	(\$ 629.50)
Mileage Reimbursement	\$ 1,222.62	\$ 1,000.00	\$ 222.62
Meetings and Governance	\$ 865.32	\$ 800.00	\$ 65.32
Total Expenditures	\$ 13,922.22	\$ 22,250.00	(\$ 8,327.78)
Revenue Over Expenditures	\$109,831.28	\$ 89,550.00	\$ 20,281.28
Claims Approved	\$121,235.31	0	\$121,235.31
Revenue over Expenditures	(\$ 11,404.03)	\$ 62,610.00	(\$100,954.03)

2015 Claims and Respondent Lawyers

2015 Claims and Respondent Lawyers

As set forth below 25 of the 35 claims resolved in 2015 resulted in payments to the complaining party as a result of the actions of 11 lawyers. The following table summarizes those decisions. A 2006-2015 cumulative summary follows.

2015 Summary of Claims Approved by Lawyer				
Lawyers (11)	Lawyer's Status as of 12/31/2015	Claims Approved 2015	Dollars Awarded 2015	Reason
Joseph Camacho, Albuquerque	Inactive	2	\$8,275	Unearned Fees
Daniel Dolan	Deceased	1	\$2,260	Unearned Fees
Thomas Esquibel, San Jose, Calif.	Suspended	1	\$1,000	Unearned Fees
Marcos Gonzalez, Albuquerque	Suspended	1	\$6,500	Unearned Fees
Jeffrey P. Jones, Santa Fe	Inactive	1	\$1,000	Unearned Fees
Cody Kelley, Albuquerque	Disbarred	1	\$2,000	Unearned Fees
Stephen Peterson, Taos	Inactive	3	\$4,000	Unearned Fees
Sabrina Price, Phoenix, Ariz.	Suspended	9	\$31,274	Unearned Fees
Luis Quintana, Corrales	Disbarred	3	\$6,414	Unearned Fees
Sherry Tippet	Deceased	1	\$20,000	Unearned Fees
Gilbert Vigil	Deceased	2	\$7,795	Unearned Fees
	Total approved	25	\$90,518	Unearned Fees

2006–2015 Cumulative Claims Paid by Lawyer

2006–2015 Cumulative Claims Paid by Lawyer			
Lawyer	Status as of 12/31/2015	Total Claims Paid 2006-2015	
Abeita, Christopher	Suspended	1	\$ 5,000
Alfaro, Mario	Disbarred	1	\$ 890
Arrieta, Jose	Disbarred	9	\$ 38,770
Baca, Henry	Deceased	1	\$ 1,200
Baker, G. Mitchell	Suspended	1	\$ 2,214
Bartholomew, James	Deceased	10	\$ 18,840
Benavidez, Edward	Deceased	3	\$ 7,145
Bloomfield, Gerald	Deceased	1	\$ 925
Burnett, John	Withdrawn	7	\$ 40,728
Camacho, Joseph	Inactive	2	\$ 8,275
Dinwiddie, Aaron	Suspended	2	\$ 4,300
Dolan, Daniel	Deceased	1	\$ 2,260
Esquibel, Thomas	Suspended	1	\$ 1,000
Gonzalez, Marcos	Suspended	1	\$ 6,500
Griffin, Nettie	Withdrawn	3	\$ 3,000
Jackson, Alain	Disbarred	1	\$ 1,400
Joiner, Joseph	Deceased	2	\$ 11,611
Jones, Jeffrey P.	Inactive	1	\$ 1,000
Kelley, Cody	Disbarred	3	\$ 23,750
Kelly, Leo	Suspended	1	\$ 2,500
Kennedy, Mary	Active	3	\$ 7,261
Kirkpatrick, Jack	Deceased	3	\$ 6,000
Klein, Donald	Deceased	1	\$ 850
Lepley, Donald	Deceased	1	\$ 10,000
Lunsford, Shawn	Disbarred	16	\$ 33,976
Marcus, Charles	Suspended	22	\$ 50,004
Martinez, Anthony	Deceased	1	\$ 600
Martinez, Dennis	Disbarred	1	\$ 6,090

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2006-2015 Cumulative Claims Paid by Lawyer continued			
Lawyer	Status as of 12/31/2015	Total Claims Paid 2006-2015	
Mladek, Michelle	Active	1	\$ 3,240
Nelson, Gary Wayne	Disbarred	1	\$ 5,000
Ortiz, Rudy	Disbarred	2	\$ 10,305
Palacios, Pedro	Disbarred	15	\$ 49,823
Peters, Michael	Deceased	2	\$ 16,880
Peterson, Stephen	Inactive	3	\$ 4,000
Price, Sabrina	Suspended	11	\$ 38,689
Prichard, Troy	Active	1	\$ 2,500
Quintana, Luis	Disbarred	3	\$ 6,414
Romo, Anthony	Suspended	2	\$ 21,400
Runnels, Michael	Disbarred	1	\$ 1,800
Sims, Bradley	Disbarred	4	\$ 7,800
Sizemore, Victor	Deceased	16	\$ 110,137
Stein, Stuart	Disbarred	1	\$ 1,000
Tabet, Thomas	Suspended	6	\$ 9,500
Thompson, Erik	Suspended	4	\$ 6,775
Tippett, Sherry	Deceased	6	\$ 30,167
Turner, Eric	Suspended	6	\$ 16,481
Van Arnam, Raymond	Disbarred	3	\$ 6,692
Vigil, Gilbert	Deceased	5	\$ 16,944
Werner, Karl	Suspended	3	\$ 3,285
Williams, Victoria	Disbarred	1	\$ 5,905
Wright, Jackson	Deceased	10	\$ 17,159
Totals (51 lawyers)		207	\$687,985

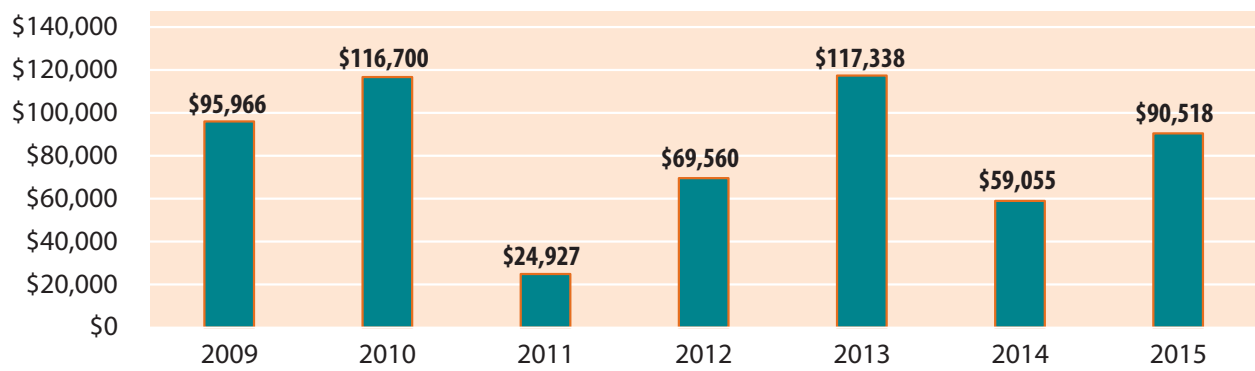
2006–2015 Annual Statistics

2006–2015 Annual Statistics

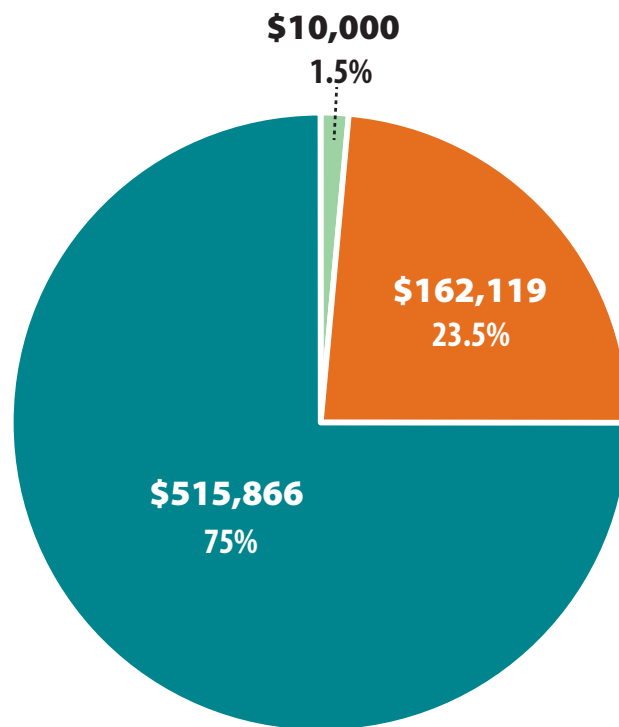
CLAIMS APPROVED	2006–09	2010	2011	2012	2013	2014	2015	TOTALS
Total number of claims approved in whole or in part	70	32	13	27	30	10	25	207
Total dollar amount of claims approved and paid (revised from prior annual reports after reconciliation of cumulative lawyer summary)	\$209,887	\$116,700	\$24,927	\$69,560	\$117,338	\$59,055	\$90,518	\$687,985
CLAIMS DENIED								
Total number of claims denied in whole or part	54	25	13	39	33	16	16	180
Total dollar amount of denials	\$205,026	\$134,181	\$14,034	\$120,674	\$106,162	\$232,303	\$73,568	\$812,380
Dollar amount of reimbursement limit per claim	\$10,000	\$10,000	\$10,000	\$20,000	\$20,000	\$20,000	\$20,000	-----
Claims made over limit	8	6	0	2	1	2	1	19
Total amount denied over limit	\$63,238	\$77,400	0	0	0	\$150,000	0	\$290,618
Total amount denied for other reasons	\$141,808	\$56,781	\$14,034	\$120,674	\$106,162	\$82,303	\$73,568	\$521,852
CLAIMS PENDING AT END OF YEAR								
Claims undecided and carried over to next year	24	0	4	31	4	6	11	-----
Claim amount pending at end of year	\$92,555	\$0	\$10,950	\$189,147	\$32,128	\$43,524	\$59,486	-----
ATTORNEY STATISTICS								
Total number of attorneys with claims filed	45	14	8	23	28	19	26	-----
Highest number of claims filed for a single attorney	23 (2008)	9	8	18	6	5	8	-----
Top two attorneys – total percentage of claims filed	64% (2008)	37%	69%	50%	24%	60%	50%	-----
Top two attorneys – total percentage of amounts paid	65%	55%	87%	80%	47%	55%	42%	-----
Amount reimbursed to Fund	\$20,168	\$3,250	\$100	\$0	\$1,071	0	\$13,300	\$37,889

2009–2015 Statistical History

Dollar Amount of Claims Reimbursed by Year



Dollar Amount of Claims Paid by Category



- Hardship Exception
- Theft
- Failure to Refund/Unearned Fees



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